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August 18, 1997

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AUG 18 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Information Technology Industry Council
ET Docket No. 97-94

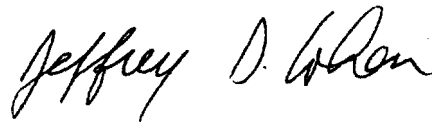
Dear Mr. Caton:

Please find enclosed, on behalf of the Information Technology Industry Council, an original and five copies of its Reply Comments in the above-referenced proceeding.

Should you have any questions regarding this submission, please contact the undersigned.

Sincerely,

WILKINSON, BARKER, KNAUER & QUINN



By: Lawrence J. Movshin
Jeffrey S. Cohen

Enclosures

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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

In the Matter of)
)
Amendment of Parts 2, 15, 18 and Other Parts of)
the Commission's Rules to Simplify and)
Streamline the Equipment Authorization Process)
for Radio Frequency Equipment)

ET Docket No. 97-94

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AUG 18 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**REPLY COMMENTS OF THE
INFORMATION TECHNOLOGY INDUSTRY COUNCIL**

The Information Technology Industry Council ("ITI"), by its attorneys and pursuant to section 1.415 of the Commission's rules, hereby submits its Reply to certain comments filed in the above-referenced docket.¹ As indicated herein, many of the views expressed by ITI in its initial Comments are generally supported by other commenting parties. However, ITI disagrees with certain issues raised in the Comments filed by a few commenters and addresses these concerns below.

¹ ITI represents the information technology industry, including manufacturers, integrators, and service providers. ITI and its predecessor, the Computer and Business Equipment Manufacturers Association, for more than two decades have played a leading role in the development of rules governing the design and marketing of computing devices, including equipment authorization programs, test procedures, and importation rules. As with most industry organizations, the positions expressed herein represent a consensus of ITI members' views, and individual member companies may file comments and reply comments in this proceeding expressing independent views on particular subject matters.

In its Comments, ITI generally supported the Commission's proposals to streamline existing regulatory requirements of equipment manufacturers while ensuring that adequate compliance measures remain in place to control interference problems. ITI, however, expressed certain concerns relating to the creation of new obligations, by merging the type acceptance process into certification, on personal computer device manufacturers who utilize the certification process.² ITI supported the retention of the verification and the DoC processes, and subjecting Class B personal computers to verification rather than DoC.³ Further, ITI suggested that a 30-day time period is most appropriate for the submission of samples upon request by the Commission, and urged the Commission to accept a sample directly out of the retail distribution chain rather than employ the proposed voucher program.⁴ ITI supported, upon conclusion of a thorough trial process, an Internet-based electronic filing method, provided that means are

² ITI Comments at 4-5. In this regard, ITI strongly supports the proposal made by Ericsson for a "zero-based analysis" of current authorization rules to ensure that no more information than is necessary is required to be provided in an application. *See* Ericsson Comments at 2-4.

³ ITI Comments at 5-6. *See* Telecommunications Industry Association Technical and Regulatory Reform Task Force ("TIA") Comments at 2; Hewlett-Packard Company ("HP") Comments at 2; Ericsson Comments at 11. *See also* Uniden Comments at 3 (stating that as between verification and DoC, the procedure with the least impact on the applicant should be implemented if there is little possibility of interference).

⁴ ITI Comments at 7-8. Motorola agrees that the voucher system is problematic, and suggests as an alternative that the FCC purchase a product needed for sampling and receive reimbursement from the manufacturer. *See* Motorola Comments at 12-13. *See also* Uniden Comments at 4 (recognizing that in some cases an applicant may need more time to submit a sample); Consumer Electronics Manufacturers Association ("CEMA") Comments at 2-3 (opposing the 14-day timeframe for provision of samples).

employed to protect the confidentiality of information so submitted.⁵ Finally, ITI commented that the certification process should be retained indefinitely as it applies to personal computing devices that may alternatively be approved by the DoC process,⁶ and encouraged the Commission to continue its efforts with respect to the Mutual Recognition Agreement reached with the European Union.⁷

In its Comments, Metricom, Inc. generally opposed the Commission's proposal to subject equipment currently authorized under the notification procedure to verification or DoC, and to change the requirements for certain Part 15 unintentional radiators from notification or certification to DoC.⁸ Metricom suggested that some manufacturers have in the past incorrectly certified equipment, and that retention of the certification process for Part 15 devices will prevent interference problems from occurring after market entry.⁹

⁵ ITI Comments at 8-10. *Cf.* Ericsson Comments at 5-11 (supporting electronic filing to the extent that the rules are no more burdensome than procedures in place today, and will reduce processing times).

⁶ ITI Comments at 10-11. *See* CEMA Comments at 4-5 (citing to the fact that certification is more economical, and a manufacturer with an expedited delivery schedule may receive faster FCC approval by self-testing its equipment and using the certification process, rather than relying on outside test labs as required for DoC). ITI strongly agrees with Motorola in its support of the Commission's proposal to shift all computers and peripherals to the DoC approach, which will further the goal of a ten-day application processing timeframe. *See* Motorola Comments at 8-9. However, HP raises the same concerns already expressed by ITI with respect to the requirement that test facilities for DoC be accredited. *See* ITI Comments at 6 n. 7, 11 n. 10; HP Comments at 1-2 (citing the difficulty under Section 2.948 for test labs in foreign countries to become accredited for DoC testing).

⁷ ITI Comments at 11-12.

⁸ Metricom Comments at 3.

⁹ *Id.* at 4-6.

ITI believes that Metricom's concerns regarding Part 15 devices are unfounded. There is no evidence that manufacturers require very rigid FCC certification procedures to prevent production of non-compliant equipment. On the contrary, the overwhelming experience of the information technology ("IT") industry is that IT manufacturers regularly and typically comply with FCC requirements, and that IT products do not create any interference complaints.

The FCC's proposed streamlined procedures, combined with FCC after-market surveillance and consumer complaint handling, are more than adequate to prevent non-compliance. As the Commission itself recognized in the NPRM, its streamlining proposals should cause a decline in application errors, and that "clearer, less burdensome regulations will promote compliance."¹⁰ In addition, the industry has a strong record of education, through technical reports and public technical conferences, to assist manufacturers who may lack the technical resources of large ITI members in learning how to comply with the EMC requirements.

With regard to a transition plan for the new rules, Uniden proposed that the FCC's new procedures be made mandatory in no more than 60 days.¹¹ ITI believes this is too little time, and that a two-year transition period to permit applicants to file under the

¹⁰ NPRM at ¶ 17.

¹¹ Uniden Comments at 5-6.

existing procedures, as proposed in the NPRM,¹² is appropriate to allow manufacturers time to alter their regulatory compliance operations.¹³

For the foregoing reasons, ITI urges the Commission to adopt rules consistent with its views expressed in these Reply Comments.

Respectfully submitted,

Information Technology Industry Council



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¹² NPRM at ¶ 22.

¹³ See TIA Comments at 4, Motorola Comments at 23.